IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.

CIVIL APPLICATION NO.1896 OF 2006
IN
WRIT PETITION NO.2496 OF 2000

The Oil and Natural Gas Corporation Ltd. & ors. : Applicants.

versus

S.K.Patel & ors. : Respondents.

Shri R.S.Desai i/by M/s.Desai & Diwanji, Advocate, for the applicants.

CORAM : R.M.S.KHANDEPARKAR &
NARESH H. PATIL, JJ.

DATED : 19th AUGUST 2006.

ORAL ORDER

1. Heard. By the present application, the applicants, who are the original Respondent Nos. 1 to 3, are seeking modification in the order dated 5th July 2000, passed in Writ Petition No.2496 of 2000. The modification is sought for in relation to the rate of interest. The contention of the applicants is that the rate of interest is exorbitant for the scheme prepared by the applicants.

2. Undoubtedly, the rate of interest at 12% per annum fixed by the Court, was not with reference to the scheme of applicants, but on account of certain benefits which were sought to be availed by the original petitioner for delay in making the payments. The relevant para of the order dated 5th July 2000 reads thus :-

> ". Deductions, if any, made by the Respondents from the salary of the Petitioners towards the Schemer shall be subject to the result of this Petition and are subject to an undertaking given by the learned Counsel appearing for The Oil and Natural Gas Corporation Limited, the Respondent No.1 that in the event of Respondents writ petition filed before the Supreme Court being dismissed or the Petitioners succeeding finally in this present Petition, the amount deducted shall be forthwith refunded to the Petitioners with interest at the rate of 12% per annum."

The fact that the rate of interest at 12% per annum is different from the rate of interest prescribed under the Scheme and it was certainly known to the applicants at the time when the said order was passed and at the time when the undertaking was required to be given. It is too late for the applicants to contend that the rate of interest is exorbitant for the scheme.

2. There is no justification for any modification in the order dated 5th July 2000, as no case in that regard having been made out. Hence the Application is rejected.

[R.M.S.KHANDEPARKAR, J]

[NARESH H. PATIL, J]